

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 5, 2007

H030080 PEOPLE v. ALVARADO

The judgment is modified to reduce the victim restitution to \$244,521.87. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed February 5, 2007

H029838 SACK, et al. v. MILLER, et al.,

The appeal is dismissed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 5, 2007

H029488 PEOPLE v. HERNANDEZ

The judgment is reversed and the matter is remanded to the trial court for the limited purpose of resentencing on count 3. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed February 5, 2007

H030144 In re DELILAH R., et al.; DFCS v. JOHN R.

The juvenile court's orders are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed February 5, 2007

TUESDAY, FEBRUARY 6, 2007

H030400 PEOPLE v. LU

The appeal is dismissed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed February 6, 2007

The following case is submitted this date:

H030593 In re LEXANDRIA H.; D.F.C.S v. ELISA H.

H028165 FRASER v. PC-TEL, INC.; WELLS FARGO BANK MINNESOTA N.A.

The judgments are affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed February 6, 2007

Sixth Appellate District

San Jose, California

Tuesday, February 6, 2007 (continued)

H029906 PEOPLE v. MADAYAG

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated February 2, 2007, is hereby vacated. The court by separate letter issued January 18, 2007, has requested supplemental briefing from the parties in H030688, Madayag on Habeas Corpus. The cause will be resubmitted upon completion of supplemental briefing.

Dated: February 6, 2007 Rushing, P.J.

H029877 KASIRAMAN, et al. v. ASSURANCE COMPANY OF AMERICA

By the Court*:

Appellants' petition for rehearing is denied.

Filed: February 6, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

WEDNESDAY, FEBRUARY 7, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H029396 PEOPLE v. AMAYA

Cause called and argued by Daniel Byrne appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029335 PEOPLE v. LITMON, JR.

Cause called and argued by Alfons Wagner appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029631 CITY OF MONTE SERENO v. PADGETT, et al.

Cause called and argued by Darla Padgett, appellant appearing in pro per and by Kirsten Powell appearing for Respondent. Cause ordered submitted.

H030054 CITY OF WATSONVILLE v. CORRIGAN, et al.

Cause called and argued by Frederick Ebey appearing for Appellant and by Edward Newman appearing for Respondents Patrick Corrigan, et al. John McSpadden, appearing for respondent Michael Tansy, is present and waives argument. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, February 7, 2007 (continued)

H029794 GARCIA v. STATE FARM GENERAL INSURANCE COMPANY

Cause called and argued by Christian Garris appearing for Appellant and by Douglas Wood appearing for Respondent. Cause ordered submitted.

Court adjourns.

H030709 PEOPLE v. THIMMES

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 7, 2007

H029196 PEOPLE v. SAUCEDO

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed February 7, 2007

H030931 ROBERT O. v. SUPERIOR COURT; MCSS

The petition is denied. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed February 7, 2007

H030578 PEOPLE v. LEON

The judgment is reversed and remanded for the sole purpose of striking both the restitution fine and the parole revocation fine, and imposing a single restitution fine in the amount of \$10. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed February 7, 2007

H029059 PEOPLE v. MAGANA

The true findings on the automobile-related enhancements are stricken and the matter is remanded with directions to either retry those enhancements or to modify the abstract of judgment to reflect their elimination. The judgment is otherwise affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed February 7, 2007

H030156 PEOPLE v. GARCIA

The appeal of the order authorizing involuntary medication is dismissed as moot. The order committing defendant for a period not to exceed four years is revised. The matter is remanded for proceedings consistent with this opinion. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 7, 2007

Sixth Appellate District

San Jose, California

THURSDAY, FEBRUARY 8, 2007

H028624 PEOPLE v. MASON

The People having conceded the conviction for driving under the influence causing injury (Veh. Code, § 23153, subd. (a), count 8) is a lesser included offense of vehicular manslaughter while intoxicated with gross negligence, we order count 8 stricken. In all other respects, the judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed February 8, 2007

H029455 PEOPLE v. BARRETO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 8, 2007

H029524 PEOPLE v. VIBANCO

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated December 5, 2006, is hereby vacated. The court by separate letter issued February 6, 2007, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: February 8, 2007 Bamattre-Manoukian, Acting P.J.

H029928 PEOPLE v. LAMB

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed February 8, 2007

H030418 PEOPLE v. HAMPTON

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed February 8, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Duffy, J.; and J. Michel, Deputy Clerk.

H029588 PEOPLE v. DURAN

Cause called and argued by Alan Siraco appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, February 8, 2007 (continued)

H029806 PEOPLE v. MCCLAIN

Cause called and argued by Irma Castillo appearing for Appellant and by Eric D. Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Mihara, J. leaves the bench and McAdams, J. takes the bench.

H028774 KYLES, et al. v. GREAT OAKS INTERESTS, et al.

Cause called and argued by Matthew Marvin Grigg appearing for Appellants and by Bernard Gehlnar appearing for Respondents. Cause ordered submitted.

H029600 SIMKOVICH v. EVANS

Cause called and argued by Gary Redenbacher appearing for Appellant and by Curtis Lloyd Metzgar appearing for Respondent. Cause ordered submitted.

Duffy, J. leaves the bench and Mihara, J. takes the bench.

H027243 PEOPLE v. ZUNIGA

Cause called and argued by Eric Weaver appearing for Appellant and by Mark S. Howell, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H029613 JOUNG v. SHIN, et al.

Cause called and argued by Thomas Breen Kidwell appearing for Appellant and by Leslie Baxter appearing for Respondents. Cause ordered submitted. Court adjourns.

FRIDAY, FEBRUARY 9, 2007

H030091 PEOPLE v. LAMMERS

By the Court*:

Appellant's application for leave to file petition for rehearing is granted. Appellant's petition for rehearing is granted.

Filed: February 9, 2007

*Before Rushing, P.J., Premo, J. and Elia, J.

H029207 PEOPLE v. RAMIREZ

The judgment is modified to state: "No contact with the minor victims." The trial court is directed to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed February 9, 2007

Sixth Appellate District

San Jose, California

Friday, February 9, 2007 (continued)

H029795 COLLETTA v. COLLETTA

The appeal of the order of July 11, 2005, is dismissed. The order of November 14, 2005, denying the motion to set aside the sanctions portion of the judgment is affirmed. Costs on appeal are awarded to respondent Andrew Colletta. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed February 9, 2007